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09/450,550	11/30/1999	ROBERT G. NADON	M-7739-US	7807

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EXAMINER

WOOD, WILLIAM H

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/450,550

Applicant(s)

NADON ET AL.

Examiner

William H. Wood

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 2-16 and 18-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 17 and 33-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

Claims 1-42 have been examined.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 17 and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (USPN 6,247,128) in view of Lowry (USPN 5,946,002) in view of "Dictionary of Computing: Fourth Edition" herein referred to as Computing and in further view of Garcia et al. (USPN 5,359,725).

In regard to claim 1, Fisher disclosed the limitations:

- ♦ *A method of installing desired-language translations of software in a computer system, the software to be installed, at the time of assembly of the computer system, in response to a customer's order (column 1, lines 14-19; column 11, lines 7-12), the method comprising:*
  - ♦ *creating a record that comprises identifiers that specify software to be installed in the computer system (column 11, lines 7-12 necessitates a record of the build information);*

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- ♦ *reading, from the record, a first identifier that identifies operating system software to be installed in the computer system (column 27, lines 22-33; Fisher has a list of components to be installed (including the operating system) and therefore is reading from the list);*
- ♦ *based on the first identifier, establishing a first variable that specifies the operating system type (column 27, lines 22-33; shows selectable operating system) and a second variable that specifies a desired language (column 27, lines 22-33; shows selectable language);*
- ♦ *reading, from the record, a second identifier that identifies other software to be installed in the computer system (column 27, lines 40-48; list of software components);*
- ♦ *parsing the second identifier into a call to a batch file that (i) causes a native language version of the other software to be installed in the computer system (column 11, lines 39-44; column 27, lines 30-33; set-up routines allows for the initial installation of a native-language if that is all that is available based upon what software is selected)*

Fisher did not explicitly state a second entity to translate text portions of software to a desired language. Lowry demonstrated that it was known at the time of invention to translate text portions of software (column 1, line 65 to column 2, line 24). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher's software installation system with the ability to translate software text to a desired language as found in Lowry's teaching. This implementation would have been

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obvious because one of ordinary skill in the art would be motivated to provide a system complete to a user's specification. Furthermore, Fisher indicates it is desirable to provide software in a desired language (column 27, lines 30-33). Finally, multiple translation routines are present in that one would want to translate for multiple languages.

Neither Fisher nor Lowry explicitly stated using scripts for installation and translation. However, Computing demonstrated that it was known at the time of invention to use scripts to perform often-used functions, commands or actions (page 434). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher and Lowry's system of installing desirable language translated software with utilizing scripts for the purpose as found in Computing's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to use a well understood and common procedure for implementing actions. Specifically, Fisher indicates utilizing set-up routines for installing software (column 11, lines 39-44), and thus the script is identified by the software. This action obviously would be implemented by the installation scripting system, along with downloading the software.

Fisher, Lowry and Computing did not explicitly state the limitation *based on the type of file in which the other software is stored, and based on the operating system software, the translation script selects a translation routine from a set of available translation routines*. Lowry demonstrated that it was known to one of ordinary skill in the art at the

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time of invention to localize or translate files of multiple differing types (column 2, lines 2-14 and column 2, line 64 to column 3, line 7; the mention of these external resource files containing different information indicates at least two types of files). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher, Lowry and Computing's installation and translation with selecting a translation routine based on file type as suggested by Lowry's own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring localization and translation to the type of file, which contains the data to be translated. Additionally, Garcia demonstrated at the time of invention that multiple differing operating systems employ differences in files and storage as well (column 1, lines 23-32). In view of operating system propriety and differencing, it would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher, Lowry and Computing's installation and translation not only selecting based upon file type but also with selecting a translation routine based upon operating system software present as suggested through the teachings of Garcia. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring localization and translation to the operating system software present.

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In regard to claim 33, Fisher, Lowry, Computing and Garcia further disclosed the limitation *providing a server for storing the native-language version of the software* (Fisher: Figure 1; column 4, lines 55-62).

In regard to claim 34, Fisher, Lowry, Computing and Garcia further disclosed the limitation *coupling the computer system to the server during installation of the software* (Fisher: Figure 1; column 4, lines 55-62).

In regard to claim 35, Fisher, Lowry, Computing and Garcia further disclosed the limitation *wherein the record is accessible to the server* (Fisher: Figure 1; column 4, lines 55-62).

In regard to claim 36, Fisher, Lowry, Computing and Garcia further disclosed the limitation *an installation script stored on the server* (Fisher: Figure 1; column 4, lines 55-62)

In regard to claim 37 Fisher, Lowry, Computing and Garcia further disclosed the limitation *wherein the translation script is stored on the server and is called by the installation script which, in turn, calls the translation routine* (Figure 1; column 4, lines 55-62 in view of the above obvious combinations).

In regard to claims 17 and 38-42, the method of claim 17 correlates to the method of claim 1 and as such the limitations of claim 17 are rejected in the same manner as for claim 1. Claims 38-42 correspond to claims 33-37 and are rejected similarly.

### ***Examiner's Response***

3. Applicant's arguments with respect to claims 1, 17 and 33-42 have been considered but are moot in view of the new ground(s) of rejection.
4. Additionally, it is noted that no true arguments were found with respect to claims 1, 17 and 33-42. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
5. The proposed drawing correction submitted along with the amendment of 16 June 2003 is approved by the examiner.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood  
July 10, 2003

*Kakali Chaki*  
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